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Notice of Allowability	Application No.	Applicant(s)	
	10/705,670	MIZUTANI ET AL.	
	Examiner	Art Unit	
	Keshia Gibson	3761	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 11/04/05.
2. ☒ The allowed claim(s) is/are 17 and 18.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☒ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| <ol style="list-style-type: none"> 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date <u>4/26, 6/8/04, 7/2905</u> 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | <ol style="list-style-type: none"> 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance 9. <input type="checkbox"/> Other _____. |
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DETAILED ACTION

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Chris Mizumoto on 11/17/05.

The application has been amended as follows:

In Claim 18, line 4,

--having longitudinal and lateral directions appropriate for insertion
between the labia of the wearer—

has been inserted between "the interlabial pad" and "comprising an
interlabial pad body."

In Claim 18, lines 15-16,

please delete:

"a series of wrapping sheets folded so as to form an overlapped region
which is overlapped by itself in a portion of the series of wrapping sheets"

please insert:

--a plurality of wrapping sheets sandwiching the interlabial pad--

In the Abstract, please rewrite the abstract as follows:

--An interlabial pad to be fitted to the labia providing an interlabial pad with flap portions that can maintain the retention state in the interlabial space irrespective of the quantity of body fluid discharge such as menstrual blood. A mini-sheet piece (3) is attached to the opposite side face to the body side face (2b) of the interlabial pad (2) in such a way that a pad of it protrudes from both side edges of the interlabial pad (2) forming flap portions (4A) and (4B). Adhesives (6A) and (6B) are applied to the body side face of the flap portions (4A) and (4B). The interlabial pad (2) is retained in the interlabial space and the flap portions (4A) and (4B) are affixed to the surface of the labia majora to fit the interlabial pad with the flap portions (1).—

Allowable Subject Matter

2. Claims 17-18 are allowed.

Reasons for Allowance

3. The following is an examiner's statement of reasons for allowance:

A search of the prior art of record fails to disclose any references, which taken alone or in combination, teach or fairly suggest 1) folding an interlabial pad having flap portions, then detachably fixing the flap portions of the pad to a wrapper so that a finger insertion opening open when the container, or 2) an interlabial pad enclosed in a wrapper comprised of a plurality of overlapping wrapping sheets sandwiching the pad.

The closest prior art of record:

Lichstein WO 00/40197 is considered to disclose the claimed interlabial pad (comprising a topsheet, backsheet, absorbent body, flap portions, and a sheet forming a finger insertion opening on the pad, wherein the flap portions extend from the lateral side edges of the absorbent body and comprise adhesive the bodyfacing surface).

Osborn, III et al. (WO 99/26575) teaches enclosing the labial pad within a wrapping body. However, Lichstein in view of Osborn, III et al. do not further provide adequate motivation to fold the pad, then contain the pad within the wrapper in such a manner as to have the finger insertion opening open when the wrapper is unsealed.

Osborn, III et al. also do not provide adequate motivation to sandwich the pad between two wrapping sheets as opposed to one.

Lee et al. (US 6,015,934) disclose an absorbent article comprising flaps having adhesive on a garment-facing surface, the article being folded and enclosed in a wrapper. However, Lichstein in view of Lee et al. do not further provide adequate motivation to contain the pad within the wrapper in such a manner as to have the finger insertion opening open when the wrapper is unsealed.

Lee et al. also do not provide adequate motivation to sandwich the pad between two wrapping sheets as opposed to one.

Thus, the prior art of record, taken alone or in combination, failed to teach or provide adequate motivation to take a interlabial pad of the claimed structure and either 1) fold an interlabial pad, 2) wrap the interlabial pad with a wrapping container in a specific manner in relation to the finger insertion opening of the pad, or 3) fold and wrap interlabial pad with a wrapping container in a specific manner in relation to the finger

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insertion opening of the pad. The prior art of record, taken alone or in combination, also failed to teach or provide adequate motivation to wrap an interlabial pad of the claimed structure by sandwiching it between two or more wrapping sheets—as opposed to one.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Johnson et al. (US 4,595,392).

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Keshia Gibson whose telephone number is (571) 272-7136. The examiner can normally be reached on M-F 8:30 a.m. - 6 p.m., out every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tatyana Zalukaeva can be reached on (571) 272-1115. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Keshia Gibson
Examiner
Art Unit 3761

klg 11/16/05

TATYANA ZALUKAEVA
SUPERVISORY PRIMARY EXAMINER

